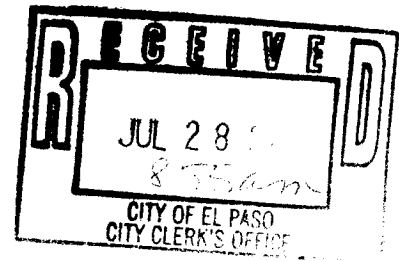


COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, AUGUST 3RD, 2004



BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

July 28, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 7429 Rose Circle (Rep. District #3)

Scheduling a public hearing to be held on August 31st, 2004 to determine if the property located at 7429 Rose Circle in the City of El Paso (Legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of December 17, 2003, Teresa L. Lerma and Edward N. Lerma, 1417 Montana Avenue, El Paso, Texas 79902, has been notified of the violations at this property. District #3

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 16th day of March, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 7429 Rose Circle, in El Paso, Texas, which property is more particularly described as:

Paisano, Pt. of 23 Beg. 39 Ft. W of NEC (178.18 Ft. on N, 125.72 Ft. on E, 155.28 Ft. on S, Irreg on St)

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Teresa L. Lerma and Eduardo N. Lerma, 1417 Montana Avenue, El Paso, Texas 79902, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
September 25, 2003

Teresa C. Lerma

Re: 7429 Rose Cir.
Lot: Pt. of 23 Beg. 39 Ft. W
Of NEC (178.18 Ft. on N, 125.72
Ft. on E, 155.28 Ft. on S, Irreg. On St)
Blk: Paisano
Zoned: R-2
COD03-15051
Certified Mail Receipt #
7003 1010 0004 5303 9114

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- c. Boarded up, fenced, or otherwise secured in any manner in if:

7429 Rose Circle

- i. The building constitutes a danger to the public even though secured entry, or
- ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 7429 Rose Circle has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. The structure is open and accessible to unauthorized entry.
- j. The premises are full of weeds, trash, and debris.
- k. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within thirty (30) days from receipt of this letter.
- l. In the event you fail to correct these violations within 30 days, the case will be submitted to the City Attorney's Office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated, secured, repaired or demolished as per Sec. 18.52.040.

7429 Rose Circle

If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in black ink, appearing to read "Wayne Fannin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Wayne Fannin
Building Inspector

WF/rl

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WF

Teresa C. Lerma

2. Article Number

(Transfer from service label)

7003 1010 0004 5303 9114

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Teresa C. Lerma

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

SEP 30 2003

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only - No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com
OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

SEP 26 2003

Postmark
Here

Teresa C. Lerma

1
R

17

7003 1010 0004 5303 9114

EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

M E M O R A N D U M

DATE: October 1, 2003

MEMO TO: Tom McGuire, Housing Compliance Supervisor

FROM: Jorge Ramirez, Sr. Environmental Health Inspector *J*

SUBJECT: Condemnation Report

RE: 7429 Rose Cir. 79915

An inspection of the property was conducted on October 1, 2003 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA:
N/A

SECTION 9.04.340 - ACCUMULATIONS:
N/A

SECTION 9.16 - NUISANCE:
N/A

SECTION 9.16.010 - DESIGNATED:
N/A

SECTION 9.28 - RAT CONTROL:
N/A

Note: No health hazards noted.

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.

CITY OF EL PASO

OCT 06 2003

Received Building Svc



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 9/11/03

REP. DISTRICT: 3

ADDRESS: 7429 Rose Cir.

ZONED: R-3

LEGAL DESCRIPTION: Paisano, Pt. of 23 Beg. 39 Ft. W of NEC (176.16 Ft. on N, 125.72 Ft. on E, 155.26 Ft. on S Irreg on St.)

OWNER: Teresa C. Lerma

ADDRESS: 1417 Montana Avenue (79902)

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete

CONDITION: Fair, footing is cracked and deteriorated due to ground settlement, needs minor patch and repair.

FOUNDATION WALL: Has a crawl space. Foundation is made of native stone and reinforced concrete.

CONDITION: Fair, the concrete plaster and reinforcement has deteriorated causing the rock boulders to be loose, causing shifting on the building structure. Need minor patch and repair.

FLOOR STRUCTURE: Inside of house is made of wood slates and concrete slab.

CONDITION: Fair, shifting of structure and fire damage has caused floor to be uneven and sunken and burned areas need repair on burnt wood areas.

EXTERIOR WALLS: Native rubble stone and conventional framing

HEIGHT: 18'

THICKNESS: 12"

CONDITION: Fair, weather and ground movement have caused deteriorating cracks and separation on the hollow brick exterior walls, second floor wood walls have been damaged by fire. Need to replace burnt wood walls and patch and repair brick walls.

INTERIOR WALLS & CEILINGS: Wood frame structure with plaster and sheet rock.
CONDITION: Fair, holes, cracks, fire damage and lack of repair have caused considerable damage inside. Need to reconstruct, patch & paint interior walls.

ROOF STRUCTURE: The building has a flat roof, wood frame with rolled roof covering.
CONDITION: Fair, water damage, fire damage, and the elements have caused cracks on roof covering causing water leaks and frame damage. Need to patch or reroof, and maintain or replace roof joist.

DOORS, WINDOWS, ETC.: Windows are constructed of metal and doors of wood.
CONDITION: Poor, doors and windows have deteriorated due to broken glass panes. Wood door split from routing weather conditions. Windows and doors need to be repaired or replaced.

MEANS OF EGRESS: Does not meet code requirements.
CONDITION:

PLUMBING: Fair, plumbing fixtures need to be repaired due to seal malfunction and vandalism.


ELECTRICAL: Fair, electrical wiring has faulty electrical outlets and switches caused by fire damage, and vandalism. Need to replace and rewire the house.

MECHANICAL: Fair, heating and cooling equipment have been damaged due to fire and vandalism. Need to repair or install new complete system to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: No **BARRICADED:** No **POLICE AID REQD.:** None

REMARKS: The home and garage has not been repaired and area has not been cleaned by owner. The home has suffered damage due to elements, poor maintenance, fire damage, and vandalism. The home is open and abandoned and used by transients. I recommend the home and garage be secured and premise cleaned of all weeds, trash and debris.


Wayne Fannin
Building Inspector

20040204 TC8006

CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS

113019

ACCOUNT P08999900107300

UNITS:01 05 06 07 08

LERMA, TERESA C

1417 MONTANA AVE

AMT DUE AS OF: 20040204 ROLL R ALT OWN
OMIT(-)/SEL(+)

PAISANO

PT OF 23 BEG 39 FT W OF NEC

(178.18 FT ON N, 125.72 FT ON E,

155.28 FT ON S, IRREG ON ST)

TX 79902-5617

EL PASO

ACRES

.5770

YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	PARCEL ADDRESS	FEES	7429 ROSE PAYMENTS	TOTAL DUE
2003	25122		759.86	759.86		53.19	.00	813.05
2002	25122		750.92	01/15/2003			750.92	.00
2001	25122		739.55	09/16/2002	281.04		1020.59	.00
2000	25122		724.57	10/02/2001	183.68		908.25	.00
1999	25122		720.73	10/02/2001	323.61		1044.34	.00
1998	62341		1837.49	10/02/2001	1078.61		2916.10	.00
1997	62341		1761.82	10/02/2001	1881.33		3643.15	.00

TOTAL

759.86

759.86

53.19

LAST PAYOR OWNER

PAGE TOTAL

813.05

NOTE EXISTS

CUMULATIVE TOTAL

813.05

ENTER NEXT ACCOUNT

RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 7429 Roselane Circle, AKA 7429 Rose Lane Circle, in El Paso, Texas, which property is more particularly described as follows:

Portions of Tract 23, First Supplemental Map of Paisano Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 15, Page 35, Plat Records of El Paso County, Texas, and being more particularly described by metes and bounds in Exhibit "A" and "B" attached hereto and made a part hereof for all purposes

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; and

WHEREAS, Teresa C. Lerma, 1417 Montana Avenue, El Paso, Texas 79902-5617 and 7429 Roselane Circle, AKA 7429 Rose Lane Circle, El Paso, Texas 79901, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on January 30th, 2001; and

WHEREAS, Eduardo N. Lerma, APPEARED,

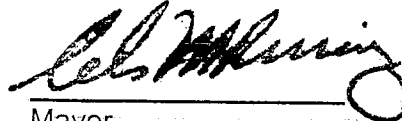
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the Buildings located on said property are substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the Buildings are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. That the Buildings are feasibly to repair.
2. That the City Council hereby orders Owner to comply with the following requirements:
 1. That the premises be secured with a 6' high chain link fence within ten (10) days; and
 2. That the Buildings be secured within thirty (30) days; and
 3. That the premises be cleaned of all weeds, trash and debris within thirty (30) days; and
 4. That the Buildings and lot be maintained clean and secure; and
 5. That a public hearing be scheduled for March 20th, 2001 in City Council Chambers, to determine, if the Council order has been complied with and if not to determine penalties.
 6. That the Owner of said Buildings are hereby ordered to comply with all the requirements of the resolution; and
 7. That upon failure of the Owner to comply with this resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris; and


3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Buildings secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner show that the property is the Owners lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

Adopted this 30th day January, 2001.

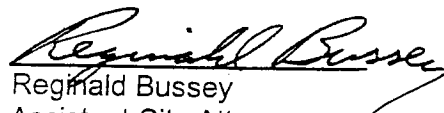
THE CITY OF EL PASO


Mayor

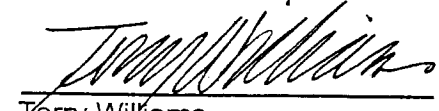
ATTEST:


City Clerk

APPROVED AS TO FORM:


Reginald Bussey
Assistant City Attorney

APPROVED AS TO CONTENT:


Terry Williams
Department of Building Services